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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,109	07/28/2000	ARND WENDLAND	10191/1401	9774
26646	7590	06/16/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/581,109

Applicant(s)

WENDLAND, ARND

Examiner

Joy K Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9,10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9,10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/24/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/14/05 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Ruhl (5991610) and Kung (5182553) are both radio (i.e., paging and broadcast) receivers, hence in a similar field of endeavor. Further, Applicant argues that Kung does not disclose a transmitter. However, Kung discloses wherein a selective call receiver has an acknowledge back response capability (see col. 7, lines 25-49 and col. 8, lines 54-68).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15 and 9,10,12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruhl et al. (Ruhl), U.S. Patent No. **5,991,610**, in view of Kung, U.S. Patent No. 5,182,553,(both previously used in last office action).

Regarding claim 15, Ruhl discloses a broadcast radio receiver set,comprising:
a memory for storing operating instructions (i.e., reads on traffic messages) that are capable of being retrieved, through input selection, in any desired sections, and that are capable of being retrieved, through input selection, in any desired sections, and that are able to be acoustically manifested (reads on data file becoming visible or audible via the display) via an output device (col. 2, lines 45-53 and col. 4,lines 38-52 and col. 5,lines 30-54 and col. 13,lines 17-39);

wherein the radio receiver set is configured to be compatible with at least one of radio data system supplementary service and a traffic message channel supplementary service(reads on Radio Data System and Traffic Message Channel broadcast receiver) (col. 1,lines 19-50).

Ruhl fails to explicitly disclose: a transmission device for receiving one of the operating instructions and at least sections of the operating instructions from a central device.

In a similar field of endeavor, Kung further discloses a transmission device (i.e., reads on selective call receiver capable of sending acknowledge back signals) for receiving one of the operating instructions and at least sections of the operating instructions from a central device (col. 7,lines 25-49).

At the time of the invention it would have been obvious to one ordinary skill in the art to modify Ruhl to include transmission means and external means for reprogramming the broadcast receiver as is known in the art and suggested in Kung (see col. 7, lines 25-49).

Regarding claim 9, Ruhl discloses the radio receiver set according to claim 15, but fails to explicitly disclose wherein a portion of the operation instructions is retrievable in response to an application of an operation voltage.

In a similar field of endeavor, Kung discloses wherein a portion of the operation instructions is retrievable in response to an application of an operation voltage (i.e., reads on actuating a "function" key)(col. 5, line 48 to col. 6, line 56).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Ruhl to include on it's use control device, means for applying an operation voltage for the purpose of making selections on the broadcast receiver.

Regarding claim 10, Ruhl further discloses the radio receiver set according to claim 15, wherein: the memory corresponds to a non-volatile memory (e.g., ROM (col. 5, lines 19-29).

Regarding claim 12, Ruhl discloses the radio receiver set according to claim 11, but fails to disclose: an operational control element for retrieving and outputting one of the sections of the operating instructions, the one of the sections of the operating instructions being adapted to a specific operating state of the receiver.

Regarding claim 13, Ruhl as modified by Kung discloses the radio receiver set according to claim 12, wherein: the operational control element permits a repeated

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actuation in order to output other sections of the operating instructions (see Kung, col. 5, line 32 to col. 6, line 57).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Ruhl to include a specific operation control element for the purpose of selecting segments of operational instructions as suggested in Kung.

Regarding claim 14, Ruhl as modified by Kung discloses the radio receiver set according to claim 13, further comprising:

a further operational control element, wherein:

the operational control element and the further operational control element enable a section of the operating instructions pertaining to the further operational control element to be output by actuating the operational control element and by actuating the further operational control element (i.e., reads on in response to actuating the "HELP" key and then the "LOCK" key, information typical of the "LOCK" function is displayed) (see Kung, col. 5, line 1 to col. 6, line 55).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Ruhl to include a specific operation control element for the purpose of selecting segments of operational instructions as suggested in Kung.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 571-272.7906. The examiner can normally be reached on M -F, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOY K. CONTEE
REGISTERED EXAMINER
4/19/05


CHARLES APPIAH
PRIMARY EXAMINER